TABLED DOCUMENT NO. 109 - 14 (3) TABLED ON FEB 26 2001

Financial Management Board Secretariat

CODE OF CONDUCT

RESPECTING

CONFLICT OF INTEREST
AND
OATH OF OFFICE AND SECRECY

FOR THE
EMPLOYEES OF THE

GOVERNMENT OF THE NORTHWEST TERRITORIES

February 2001

INTRODUCTION

The GNWT is entrusted with the protection of the public interest in many significant areas of society. In view of the importance of this trust, it is essential that the high professional standards demanded of and adhered to by GNWT employees' be recognized and documented. Recognition and documentation of these standards will ensure continued public confidence in the impartiality and integrity of the public service.

The Code of Conduct Respecting Conflict of Interest and Oath of Office and Secrecy for the Employees of the Government of the Northwest Territories (GNWT) identifies standards of conduct for GNWT public service employees in the execution of their duties, and in specific areas once an employee terminates their employment. It also outlines what steps employees should take to ensure they do not place themselves in a situation that can be perceived as a conflict of interest.

The range and complexity of government activities are such that it is not possible to produce a detailed list of all conflict of interest situations. The purpose of these guidelines is to clarify those activities that may constitute conflict of interest situations; they are not designed to be exhaustive. The Code of Conduct recognizes that employees should enjoy the same rights in their private dealings as any other citizen unless it can be demonstrated that a limitation is essential to the public interest and to the public service.

Confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information both during their employment and after they terminate their employment in order to protect the interests of the GNWT, its clients and the public. As well, employees must not use confidential information or their ability to access such information for the purpose of furthering any private interest or as a means of making personal gains.

The Code of Conduct identifies standards of conduct for employees respecting conflicts of interest and their oath of office and secrecy in the execution of their duties. In addition, the GNWT maintains an interest in the post-employment activities of former employees. As such, post employment limitations as contained herein continue to apply to employees after they terminate employment with the GNWT.

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APPLICATION

1. These guidelines and procedures apply to all employees of the Government of the Northwest Territories in all departments, boards and agencies, except those employed by the NWT Power Corporation. These guidelines and procedures also apply to former employees as outlined under Post-Employment, sections 49 to 60.

2. The Code of Conduct respecting Conflict of Interest and Oath of Office and Secrecy is a condition of employment with the GNWT. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees should contact their manager or supervisor for advice and assistance on the interpretation or application of this Code.

DEFINITIONS

3. **"Candidate"** means a candidate as defined in the *Elections Act* or the *Canada Elections Act* as applicable.

4. "**Code**" means the Code of Conduct respecting Conflict of Interest and Oath of Office and Secrecy for employees and former employees of the Public Service of the Northwest Territories.

5. **"Conflict of Interest"** means a real or perceived incompatibility between one's private interests and one's public or fiduciary duties.

6. **"Controlling Interest"**: a person or group of persons holds a controlling interest in a corporation if that person or group of persons exercises direction over, or directly or indirectly owns, shares of the corporation carrying more than 10% of the voting rights attached to all outstanding shares of the corporation.

7. "**Dependent child**" means any child of an employee who resides with the employee and is under the age of 19 years.

8. **"Deputy Minister"** means Deputy Ministers and those functioning at an equivalent level. This includes Chief Executive Officers of Government corporations and agencies who are public servants pursuant to the *Public Service Act*.

9. "**Employee**" means a person employed in the public service of the GNWT.

10. **Ethics Counsellor** means an independent person who makes a determination about a conflict of interest based on information provided in a sworn or affirmed disclosure statement provided for under section 35.

11. "**Immediate family**" For the purpose of this policy, immediate family includes an employee's:

    a) mother
    b) father
    c) brother
    d) sister
    e) spouse
    f) child
    g) step-child
    h) foster child
    i) adopted child
    j) in-laws,

k) grandparents, and
l) any relative residing in the employee's household or with whom the employee presently resides.

12. "**Official agent**" means an official agent as defined in the *Elections Act* or *Canada Elections Act* as applicable.

13. "**Pecuniary interest**" means any direct or indirect interest concerning or involving money, for example, a legal right to a share in something, a financial stake in a business; money paid for the use of money lent.

14. "**Policy**" means a Government commitment to the public to follow an action or course of action in pursuit of approved objectives.

15. "**Political party**" means a registered party as defined in the *Canada Elections Act* or an unregistered party functioning in the Territories to achieve political aims.

16. "**Spouse**" includes any person who:

    a) is married to the employee unless the employee and that person are separated;

    b) together with the employee, entered into a marriage that is voidable or void, in good faith, unless the employee and that person are separated;

    c) is cohabiting outside marriage with the employee, if

        i) the person and the employee have cohabited for a period of at least 1 year,
        ii) the person and the employee have cohabited in a relationship of some permanence and are together the natural or adoptive parents of a child, or
        iii) the employee represents the person as his or her spouse.

    "Spouse" includes a person of the same sex

17. "**Territorial riding association**" means the territorial association of a political party.

CONFLICT OF INTEREST

18. An employee has a conflict of interest when the employee exercises an official power or performs an official duty or function in the execution of their duties when the performance of the duty or function or the exercising of the power might reasonably be expected to further their private interest, or the private interest of their immediate family.

OATH OF OFFICE AND SECRECY

19. GNWT employees have a duty of loyalty to the GNWT as their employer. The duty of loyalty, affirmed through the Oath of Office and Secrecy, requires employees to serve the GNWT to the best of their ability.

20. The release of confidential information that employees receive through the course of their employment may have a significant impact on the GNWT's ability to manage its affairs or to maintain a perception of impartiality and integrity with its clients and the public.

21. To protect the interests of the GNWT, its clients and the public, confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information both during their employment and after they terminate their employment. As well, employees must not use confidential information or their ability to access such information for the purpose of furthering any private interest or as a means of making personal gains.

22. The application of the Oath of Office and Secrecy after ceasing to be an employee is of particular importance where employees or former employees have had access to confidential and/or privileged information which, if disclosed, could harm the interests of the Public Service of the Northwest Territories and/or the people it represents.

23. Each employee, before being paid any remuneration, must take the following oath or affirmation:

> I, _____, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service of the Northwest Territories and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

OR

I, _____, solemnly affirm and declare that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service of the Northwest Territories and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment.

24. In circumstances where an employee, or a former employee, reasonably believes that they may be asked to or required to breach their Oath of Office and Secrecy or that they may be in breach of their Oath of Office and Secrecy the employee or former employee shall notify their Deputy Head, or in the case of former employees the Deputy Head of their former Department, in writing of the circumstances and request clarification of the obligations arising from their Oath of Office and Secrecy.

25. Failure to comply with the Oath of Office and Secrecy could result in disciplinary action up to and including dismissal.

26. In the case of a former employee, failure to comply with the Oath of Office and Secrecy may result in legal action against the former employee.

DISCLOSURE

27. Disclosure procedures apply to all employees in order to prevent situations where an employee's private interests may conflict with their work in the GNWT.

General:

28. All employees are required to provide disclosure on conflicts of interest as outlined in this document under the following provisions:

    - Disclosure;
    - Use of Confidential Information;
    - Outside Employment and Volunteer Activity;
    - Dealings with Family, Friends and Relatives; and
    - Political Activity.

Pecuniary Interests - All GNWT Employees

29. Employees who find themselves involved in a Government activity or decision that is directly related to or affects a private outside pecuniary interest held by the employee should disclose to their Deputy Minister that interest immediately upon becoming aware of the situation.

30. Any employee, who reasonably believes that any work related or private business, commercial or pecuniary interests might be construed as being in conflict with their duties must disclose such interests, in writing, to their Deputy Minister.

31. The employee shall complete a written statement of disclosure and submit it to the Deputy Minister who shall ensure its confidentiality in accordance with section 34.

32. As a matter of privacy and practicality, certain property is exempt from disclosure by employees, including:

    - the primary residence owned or controlled by the employee;
    - the primary recreational property owned or controlled by the employee;
    - automobiles owned or controlled by the employee; and
    - items of domestic, household or personal use or ownership including cash, bonds issued by non-profit making companies or institutions,

trust and bank certificates and retirement savings plans that are not self-directed.

For a complete list of items that are exempt from disclosure requirements, refer to section 38.

33. Certain interests held by an employee are also exempt from disclosure by employees in that they are not deemed to give rise to a conflict of interest, specifically:

- the interest is one of general public application;
- the interest affects an employee as one of a broad class of persons; or
- the interest is so remote or insignificant that it cannot be regarded as likely to influence the employee.

Confidentiality of Statements of Disclosure

34. Statements of Disclosure provided under sections 28, 29 and 30 are confidential and shall be retained by the Deputy Minister in a secure location where the documents are not accessible to any other person unless subject to applicable privacy legislation, regulations, statutory instruments and GNWT policy.

Subject to the provisions herein, the Deputy Minister

- shall not make a statement of disclosure available for inspection by any person other than the employee who filed the statement without that employee's approval; and
- shall not reveal the contents of a statement of disclosure to any person other than the employee who filed the statement without the employee's approval.

SWORN OR AFFIRMED DISCLOSURE STATEMENTS

35. In addition to an employee identifying and disclosing a conflict of interest under sections 28, 29 and 30 employees may be asked to provide a sworn or affirmed disclosure statement as follows:

Any employee who is working in a position, function or on a project where, in the view of the Deputy Minister, a conflict of interest may arise may be asked by their Deputy Minister to provide a sworn or affirmed disclosure statement to the Ethics Counsellor. This disclosure shall be provided within 30 days of the Deputy Minister's written request.

The types of functions, positions or projects in which an employee is participating and may be asked to provide a sworn disclosure could include (but are not limited to):

- an employee that is directly responsible for regularly approving contracts of a significant value (e.g. over $100,000); or
- an employee who is making significant policy decisions.

36. The disclosure statement that is provided to the Ethics Counsellor will include:

    a) the source and amount of any income received by the employee, their spouse, and/or the employee's dependent child

        i. in the 12 months preceding the provision of the initial disclosure statement; or

        ii. for the period following the provision of the initial disclosure statement and preceding the filing of the subsequent disclosure statement.

    b) all assets, liabilities, and pecuniary interests held by the employee, their spouse, and/or the employee's dependent child; and

    c) all interests of the employee, their spouse, and/or the employee's dependent child in any corporation or partnership, including a statement identifying:

        i. any corporation in which the employee, their spouse, and/or the employee's dependent child individually or collectively have a controlling interest, and

        ii. any corporation in which a corporation referred to in paragraph i. has a controlling interest singly or collectively with the employee, their spouse, and/or the employee's dependent child or any other corporation referred to in paragraph i.

37. Where the employee has made a disclosure statement but before they have made a subsequent disclosure statement as requested herein and the employee, their spouse, and/or the employee's dependent child:

    a) acquire a new source of income;

b) acquire or dispose of an asset or financial interest referred to in a disclosure statement;

c) incur or discharge a liability referred to in a disclosure statement;

d) acquire or dispose of an interest in a corporation or partnership referred to in section 36 c); or

e) becomes aware of any further interest(s) that was not reported in the initial disclosure statement requested in section 36.

the employee shall, within 30 days after such occurrence, provide the Ethics Counsellor with a supplemental disclosure statement that contains a report of the acquisition of the new source of income, the acquisition or disposition of the asset, pecuniary interest or interests, or the incurring and discharge of the liability.

38. For greater clarity, the following items are not required to be included in sworn disclosure statements:

a) any interest in real property that is primarily for the residential or recreational use of the employee, their spouse, and/or the employee's dependent child;

b) assets, liabilities and pecuniary interests having a value of less than $10,000;

c) a source of income, other than income from the employee's job with the GNWT that pays less than $1,000 in a 12 month period;

d) cash on hand or on deposit with a bank, trust company, credit union or other financial institution in Canada that is lawfully entitled to accept deposits;

e) personal property used for transportation or for household educational, recreational, social or aesthetic purposes;

f) bonds, investments and securities of fixed value issued or guaranteed by any government in Canada or by an agency of any such government;

g) an investment in open-ended mutual funds;

h) guaranteed investment certificates or other similar financial instruments;

i) annuities and life insurance policies;

j) any registered retirement savings plans, pension plan or Senior Manager benefit plan that is not self-administered;

k) pension rights;

l) support payments; or

m) a liability to a financial institution referred to in paragraph (d) where the liability relates to assets referred to in paragraph (e) through (k).

39. The Ethics Counsellor shall review and investigate all sworn disclosure statements or subsequent disclosure statements and make a determination whether or not the information so disclosed constitutes a conflict of interest as set out in the Conflict of Interest provision.

40. Within 30 days after the receipt of a disclosure statement or subsequent disclosure statement, the Ethics Counsellor shall prepare a summary disclosure statement for the Deputy Minister containing all information provided by the employee in a disclosure statement or subsequent disclosure statement except:

a. the amount of income of the employee, his or her spouse or dependent children reported in the disclosure statement;

b. the value of assets, liabilities and financial interests reported in the disclosure statement ; or

c. the value of any interest in a corporation or partnership reported in the disclosure statement.

The summary disclosure statement shall also include a determination as to whether or not the information contained in the employee's disclosure statement constitutes a conflict of interest.

41. Where a conflict of interest exists the Ethics Counsellor shall, within seven days of making such a determination:

a) advise the Deputy Minister of the general the nature of the conflict; and

b) discuss with the employee the nature of the conflict and direct the employee in writing, on the appropriate actions to take in order to resolve the conflict of interest.

42. Within thirty days after receiving direction from the Ethics Counsellor, the employee must confirm with the Ethics Counsellor that the appropriate actions have been taken to resolve the conflict.

43. The Ethics Counsellor shall advise the Deputy Minister that such actions have been undertaken and that the nature of the conflict has been resolved.

44. Where an employee has not taken appropriate actions in order to resolve the conflict as directed by the Ethics Counsellor, the Ethics Counsellor shall advise the Deputy Minister.

45. Where the Ethics Counsellor has advised the Deputy Minister that the employee has not taken appropriate actions as directed in section 41 (b, the Deputy Minister shall meet with the employee as soon as reasonably possible to discuss further corrective actions, in accordance with disciplinary measures under section 95. For an employee who is a member of a union, the discussion will be held in accordance with the provisions of the collective agreement.

46. The Ethics Counsellor shall prepare a register containing summary disclosure statements and supplemental disclosure statements, and shall:

    a) make that register available for examination by the Secretary to Cabinet; and

    b) provide a copy of any summary disclosure statement or supplemental disclosure statement to the Secretary to Cabinet on request.

    Subject to the provisions herein, the Ethics Counsellor

        i) shall not make any other information contained in a disclosure statement or supplemental disclosure statement filed with the Ethics Counsellor available for inspection by any person other than the employee who filed the statement; and

        ii) shall not reveal the contents of a disclosure statement or supplemental disclosure statement to any person other than the employee who filed the statement.

47. Disclosure statements and supplemental disclosure statements prepared pursuant to this section shall be retained in accordance with applicable legislation, regulations, statutory instruments and GNWT policy.

48. Deputy Ministers shall provide disclosure to the Conflict of Interest Commissioner in accordance with the *Public Service Act*, its regulations, relevant Cabinet policy, the *Managers' Handbook* and their individual "at pleasure" employment contracts.

POST-EMPLOYMENT

49. Former employees may be in a conflict of interest as a result of their recent employment with the GNWT even after they leave the employment of the Public Service. Post-employment activities that give rise to concern include:

- former employees who may have an unfair advantage, real or perceived, in procuring GNWT contracts or other work;
- former employees who have had access to confidential information which, if disclosed, could harm the interests of the GNWT and/or the people it represents; and
- former employees, who may use personal contacts and influence in the GNWT to advance a third party interest for pecuniary gain, particularly those who held senior level positions.

50. To guard against the above situations arising, all former employees are prohibited for a period of six months after ceasing to be an employee from:

a) entering into a contract with the Government unless the contract is under $5,000 or is awarded by public tender, or by public requests for proposal, or are awarded by another public contracting method under which no special preference or treatment was given as a result of the former employees' employment.

This restriction does not apply to a contract;

- for the provision to the former employee of accommodation;
- for the provision to the former employee of any service, commodity, subsidy, loan or other benefit that the former employee or their spouse or dependent child is entitled to receive as one of a broad class of persons;
- where the value of any consideration to be received under the contract from the GNWT or a department, board or agency does not exceed $5,000; or
- for the provision of services routinely required by individual members of the public.

b) making representations to the Government (i.e. lobbying) on issues where the former employee has confidential information directly related to the issue;

c) advising or consistently representing a person or entity in return for a fee or personal benefit concerning proceedings, transactions, negotiations or cases to which the Government is a party and of which the former employee acted or advised the Government while in office, where the matter might result in an unfair advantage to another person or persons; and

d) accepting employment with an outside entity if the former employee had substantive involvement with the entity or with issues directly affecting the entity in the course of the employee's employment within the last twelve months of employment, and the employee had access to confidential information during the twelve months prior to leaving that, if disclosed, could result in a loss or damage to the Government.

51. In circumstances when it is not clear whether a former employee may enter into a business, other employment or activities identified under section 50 b) and c) above, within six months of ceasing to be an employee, the employee shall notify the Deputy Minister of their former department in writing of the nature of such business or employment and request clarification and/or approval.

52. The Deputy Minister may grant an exemption and may impose such conditions as he or she considers appropriate in the circumstances where he or she is satisfied that

a) the consideration and terms of the request are reasonable; and

b) it is not contrary to the public interest to authorize the request.

53. Where the request has been approved with conditions, the former employee shall comply with any conditions imposed by the Deputy Minister.

54. When the Deputy Minister makes a determination to prohibit a former employee's engagement in business or employment the employee shall be notified in writing together with the reason for withholding such permission.

55. In circumstances where a former employee, reasonably believes that they may be asked or required to, breach their Oath of Office and Secrecy or that they may be in breach of their Oath of Office and Secrecy the former employee shall notify the Deputy Minister of their former Department, in writing of the circumstances and request clarification of the obligations arising from their Oath of Office and Secrecy.

Former Deputy Ministers

56. Subject to the provisions herein, unless 6 months have passed since he or she ceased to hold the position of Deputy Minister, a former Deputy Minister shall not:

    a) accept a contract with any department for which the Deputy Minister was responsible in the capacity as Deputy Minister during the 12 months before the Deputy Minister ceased to hold the position of Deputy Minister;

    b) make any representations, for remuneration, on behalf of any person, with respect to a contract with any department for which the former Deputy Minister was responsible during the 12 months before the Deputy Minister ceased to hold the position of Deputy Minister.

57. The restriction in section 56 a) above does not apply to a contract;

    a) for the provision to the former Deputy Minister of accommodation;

    b) for the provision to the former Deputy Minister of any service, commodity, subsidy, loan or other benefit that the former Deputy Minister or their spouse or dependent child is entitled to receive as one of a broad class of persons;

    c) where the value of any consideration to be received under the contract from the GNWT or a department, board or agency does not exceed $1,000; or

    d) for the provision of services routinely required by individual members of the public.

58. A former Deputy Minister may apply to the Conflict of Interest Commissioner for authorization to accept a contract that they would otherwise be prohibited from accepting by operation of the provisions herein.

59. Upon application, the Conflict of Interest Commissioner may authorize the former Deputy Minister to accept the contract, subject to such conditions as the Conflict of Interest Commissioner considers appropriate to impose, where he or she is satisfied that

    a) the consideration and terms of the contract are reasonable; and

b) it is not contrary to the public interest to authorize the former Deputy Minister or corporation, as the case may be, to participate in the contract.

60. A former Deputy Minister authorized to accept a contract shall comply with any conditions imposed by the Conflict of Interest Commissioner.

OUTSIDE EMPLOYMENT AND VOLUNTEER ACTIVITIES

61. It is not the GNWT's intention to prevent employees from engaging in outside employment. However, these guidelines are intended to ensure a conflict of interest does not arise from outside employment. Employees may take supplementary employment including self employment, unless such employment:

- causes a conflict of interest;
- is performed in such a way as to appear to be an official act on the government's behalf, or to represent a Government opinion or policy;
- is conducted during the employee's normal work hours;
- interferes with regular duties;
- involves the use of Government premises, equipment or supplies; or
- places the employee in a position where the employee has confidential knowledge or information to which the employee can exploit that knowledge or information for personal gain.

62. When an employee wishes to carry on any business or employment outside regularly scheduled hours of duty the employee shall notify the Deputy Minister in writing of the nature of such business or employment.

63. The provisions of this section also apply to volunteer activity. Employees who are actively associated on a volunteer basis with any organization shall disclose to the Deputy Minister their interest in such an organization where a conflict of interest may arise. If it is determined that a conflict of interest does exist, the employee shall not participate in any government decision that could impact the volunteer organization.

64. When the Deputy Minister makes a determination to:

a) prohibit an employee's engagement in business or employment outside the employee's regularly scheduled hours of duty, or

b) prohibit an employee's involvement in any volunteer activity

due to a possible conflict of interest, the employee shall be notified in writing together with the reason for withholding such permission.

65. In an effort to support Aurora College and other educational programs, the following provisions are in place for employees who wish to instruct courses at these facilities when they are not carrying out their regular duties:

Upon receiving prior written approval from the Deputy Minister, employees may teach courses at institutions for a fee provided that;

- if required, acceptable arrangements are made for the employee to perform all regular duties;
- course preparation and marking is done on the employee's personal time; and
- no other conflict arises.

ACCEPTANCE OF GIFTS AND BENEFITS

66. All GNWT employees receive compensation for their work. Care must be taken to ensure that perceptions are not created that employees will accept additional gifts or benefits in order to take certain actions.

67. An employee shall not accept any payment, gift, honorarium or service that could be viewed as a payment for services rendered through his or her employment. Employees may accept gifts of small intrinsic value that are received as part of the business protocol, hospitality or social obligation that normally accompany the duties or responsibilities of the employee and that cannot be viewed as payment. Employees are not prohibited from accepting a gift or personal benefit of less than $100.00.

68. In circumstances when it is not clear whether an employee may keep a gift or benefit, the employee shall obtain approval before accepting and/or retaining the gift or benefit. The Deputy Minister shall make the determination in the case of his or her department and in the case of a Deputy Minister the Secretary to Cabinet shall make the determination. In the case of a gift or benefit to the Secretary to Cabinet the Premier shall make the determination.

USE OF GOVERNMENT EQUIPMENT AND PROPERTY

69. In order to ensure that there is not a perception that employees benefit personally as a result of their employment in the GNWT, employees are prohibited from using Government equipment, facilities or property for anything other than Covernment business, unless prior approval is received from the Deputy Minister.

70. The GNWT acknowledges the requirement for employees to have reasonable use of government phones for personal reasons however the following uses are strictly prohibited:

- making personal long distance calls or sending long distance facsimiles charged to a Government number
- conducting private business or soliciting money for personal causes;
- political lobbying;
- making/delivering hate messages, harassment, making/delivering discriminatory, defamatory remarks and other antisocial behaviour;
- using abusive or objectionable language;
- misrepresenting oneself or the GNWT;
- conducting any illegal activities.

USE OF CONFIDENTIAL INFORMATION

71. Employees are not prevented from using Government information that is available to the public in the management of their private affairs. However, where such information is not available to the public, employees must manage their private affairs so that neither they nor their immediate family, relatives, friends, business associates or former business associates benefit from the use of such information.

72. Employees shall:

a) avoid circumstances where they could confer or appear to confer a personal benefit on themselves, a member of their immediate family, a relative, friend, business associate or former business associate;

b) not improperly disclose confidential information acquired in the course of performing official duties; and

c) not improperly use confidential information to confer a personal benefit on themselves, a member of their immediate family, a relative, friend, business associate or former business associate.

73. Employees are in a conflict of interest if they:

- take part in a decision in the course of carrying out their duties, knowing that a decision might further a pecuniary interest of the employee or a member of their immediate family without disclosing it and seeking guidance on their continued involvement; or

- use their public role to influence or seek to influence a Government decision that could further a pecuniary interest of the employee or a member of their immediate family.

74. Employees shall disclose and discuss with the Deputy Minister, any situation, which may be a conflict of interest.

DEALINGS WITH FAMILY, FRIENDS AND RELATIVES

75. Employees must conduct themselves in a manner that promotes confidence in an unbiased, professional public service. It is therefore important that employees not be seen to be taking actions to further the private interests of their immediate family, friends or relatives.

76. Employees are prohibited from:

- engaging in decisions where they know or ought reasonably to know that in the performance of their duties there is the opportunity to improperly benefit the personal interests, pecuniary or otherwise of the employee or a member of their immediate family, directly or indirectly;

- using their position to seek to influence a decision made by another person to benefit a pecuniary interest of the employee, a member of their immediate family, or a friend or relative of the employee;

- sharing information that is gained in the employee's capacity and is not available to the general public, to benefit a pecuniary interest of the employee, a member of their immediate family, or a friend or relative of the employee; and

- giving preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, a member of their immediate family, or a relative or friend of the employee, has an interest, financial or otherwise.

77. An employee shall not supervise a member of their immediate family, unless there are extenuating circumstances and the Deputy Minister approves an exemption from this section of the Code.

78. Employees shall disclose and discuss with the Deputy Minister, any situation, which may be a conflict of interest.

PUBLIC STATEMENTS

79. GNWT employees are free to comment on public issues, however they must not use their position in Government to lend weight to the public expression of their personal opinions.

80. More specifically, employees of the GNWT:

- must exercise caution when making comments that are critical of Government policies, and be aware that they may lend more weight to those comments as a result of their position and/or level of seniority in the GNWT.;
- in making public comments, must not jeopardize the perception of impartiality in the performance of their duties;
- shall not release information that is not generally available to the public; and
- proposing to publicly criticize a policy or direction with which they are involved, shall obtain the permission of the Deputy Minister prior to making such public comment.

REPORTING CONFLICTS OF INTEREST

81. All employees share the responsibility of maintaining a high level of integrity in the Public Service; and the GNWT recognizes that it must foster an environment in which employees feel able to raise such issues or concerns in clear and proper ways without fear of reprisal.

82. If an employee has identified or is concerned about conflicts of interest, the employee should bring it to the attention of their Deputy Minister, the Secretary to Cabinet, the Comptroller General or the GNWT Audit Bureau. This is not a violation of either the Code or an employee's Oath of Office and Secrecy. In many cases, reporting conflicts of interest is, in fact, an obligation of the employee.

83. No employee shall be disciplined or face any reprisal for identifying conflicts of interest unless, after a thorough investigation the reporting of such was found to be vexatious and malicious.

POLITICAL ACTIVITY

84. If engaging in political activities, employees must be able to maintain impartiality in relation to their duties and responsibilities. Within the constraints established in the *Public Service Act* and in this Code, employees are free to participate in political activities, including belonging to a political party, supporting a candidate for elected office and actively seeking elected office, as long as the political activities are clearly separated from the activities related to his or her employment.

85. When engaging in political activities that may conflict in a manner that is real or perceived with employment duties or that compromise the interests of the Government, employees must make written disclosure to the Deputy Minister.

86. When engaging in political activities, an employee shall not:

- personally solicit funds for a territorial political party or candidate;
- during working hours, engage in any political activity for or on behalf of a territorial, provincial or federal political party or a candidate;
- use the premises, air charters, supplies, equipment or services belonging to or in the possession of the Government of the Northwest Territories for the purposes of any political activity, unless the premises are leased residential premises;
- display or distribute territorial, provincial or federal campaign literature or other promotional material in any office or premises belonging to or in the possession of the Government of the Northwest Territories, unless the premises are leased residential premises;
- be a candidate in a federal, provincial or territorial election, unless on a leave of absence granted by the Chairman of the Financial Management Board for that purpose;
- serve as an official agent for a candidate or as an executive officer of a territorial political party or territorial riding association; or
- intentionally use or attempt to use their position to affect the political activity of any other person.

87. Where an employee falls into the category of "restricted employee", pursuant to the *Public Service Regulations*, additional restrictions on political activity apply. Restricted employees include:

- deputy ministers, assistant deputy ministers and heads of secretariats of the Executive Council;

- directors, division directors, assistant directors, regional directors, assistant regional directors and regional superintendents; and

- chief executive officers of corporations or agencies of the executive branch staff, other than secretarial staff, clerical staff, or executive assistants to elected Ministers.

88. Restricted employees are subject to the restrictions placed on all GNWT employees and in addition they may not:

- publicly express views on any matter that forms part of the platform of a territorial or federal political party, including any criticism of candidates, positions or policies;

- attend any meeting of a territorial or federal political party as voting delegate;

- serve as executive officer of a federal political party, riding or association; or

- campaign on behalf of or otherwise actively work in support of a territorial or federal political party or candidate.

89. Employees who are elected to a federal, provincial or territorial office shall resign their employment, effective the day of the election.

90. Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.

91. In circumstances when it is not clear whether an employee may enter into a political activity, they shall notify the Deputy Minister in writing of the nature of the intended political activity and seek approval. If permission is withheld, the employee shall be notified in writing.

GENERAL

92. Responsibilities of the Parties

a) **Deputy Ministers'** are responsible for:

- ensuring that employees are advised of the provisions of the Code and sign a copy of it to indicate their understanding of it and the consequences of non-compliance;

- ensuring that in circumstances where it is not possible for an employee to read and understand the Code without assistance, and/or to sign a copy of the Code, that appropriate steps are taken to ensure that the employee understands the Code and the consequences of non-compliance;

- ensuring that all employee requests or discussions under provisions of this Code are responded to confidentially and in a timely manner;

- designating a departmental contact for matters related to the Code;

- ensuring that employees who are working in a position, function or on a project in which a conflict of interest may arise are requested to provide a sworn disclosure statement to the Ethics Counsellor and procedures and timelines are met in accordance with section 35.

- ensuring all possible breaches of the Code are thoroughly and professionally investigated within a reasonable time frame and, where the Code is found to have been breached, that appropriate action is taken;

  Note: Where an investigation is unsubstantiated the employee(s) who reported the breach of the Code shall be advised of the conclusion and reasons. An unsubstantiated complaint is not necessarily vexatious or malicious.

- ensuring that confidential information is handled with caution and discretion;

- delegating authority and responsibility, for investigations, where applicable;

- ensuring that employees or members of the public who report conflicts of interest are not subject to reprisal as a result of their reporting unless such is found to be vexatious or malicious.

- ensuring that they do not knowingly contract with an employee or a former employee or a company in which that employee or former employee has an interest, contrary to this policy.

b) **Managers and supervisors** are responsible for:

- advising staff on issues under the Code;
- ensuring that confidential information is handled with caution and discretion;
- ensuring that they do not knowingly contract with an employee or a former employee or a company in which that employee or former employee has an interest, contrary to this policy; and
- assisting staff in the resolution of conflicts of interest.

c) **Employees** are responsible for:

- disclosing and resolving potential conflicts of interest;
- provide affirmed disclosure statements as requested and take appropriate actions to resolve identified conflicts of interest when directed in writing by the Ethics Counsellor;
- reporting conflicts of interest of other employees for which they have factual or circumstantial evidence or for whom they believe may be in a conflict of interest situation;
- checking with their departmental contact when they are uncertain about any provision of this section of the act including:
  - the appropriateness of receiving outside remuneration,
  - potential or actual conflicts of interest, and
  - releasing any information that may be confidential.

d) **The Ethics Counsellor** is responsible for:

- reviewing and investigating sworn or affirmed disclosure statements or supplemental disclosure statements and making a determination as to whether the information contained in such documents constitute a conflict of interest;

- providing fair and consistent direction on actions to be taken by both the Deputy Minister and the employee in order to resolve identified conflicts of interest;

- providing summary information from disclosure statements to the Deputy Ministers;

- preparing and maintaining a register containing summary disclosure statements and supplemental disclosure statements, and providing such register and summary information to the Cabinet Secretary upon request; and

- maintaining confidential disclosure files.

93. Appeals

- Where a Deputy Minister seeks to prohibit an employee's actions under the provisions of this Code, the employee has the right to appeal those decisions to the Cabinet Secretary.

94. Professional Codes of Conduct and Ethics

- The GNWT Code of Conduct does not preclude the responsibility of members of professional organizations who are bound by Codes of Conduct and Ethics specific to those organizations to which they belong to uphold their professional codes in the conduct of their duties.

- In circumstances where a conflict exists between a provision in this Code and a code of conduct governing members of a professional organization in the performance of their duties, it shall be brought to the attention of the Deputy Minister before taking any action that will result in a breach of this Code.

95. Discipline

- An employee who reports a conflict of interest against another employee under this Code and who is found to have done so for vexatious or malicious reasons may be subject to disciplinary action up to and including dismissal.

- An employee who contravenes any section of this Code may be subject to disciplinary action up to and including dismissal.

- Legal action may be taken against former employees who:

  (a) contravene their Oath of Office and Secrecy to the detriment of the GNWT or the people of the Northwest Territories;

  (b) utilize the confidential information obtained during their employment to obtain favour or benefit for themselves or their immediate family; or

  (c) otherwise contravene the terms of this Code of Conduct.